

Goodnight, Goodnight Construction Site CCR

Changes to ordinance language made after June 8, 2021 meeting and presented at July 7, 2021 meeting

Proposed ordinance language: (amendments underlined)+ (highlighted sections are changes from previous task force meeting)

Section 21-52 (a)(6) The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work completed on a parcel located within three hundred (300) ft of an occupied residential or hospital structure:

- a) Other than during the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and 8:00 a.m. and 8:00 p.m. Saturday and 9:00a.m. and 5:00p.m. Sunday except on legal holidays; or
- b) Other than when a Waiver, as specified below, is issued by the Building Official or designee;
or
- c) At any time such that the sound level at or across a real property boundary exceeds 80dBA;
or
- d) This section shall not apply in cases of urgent necessity in the interest of public safety, or in cases of public convenience, including city sponsored or co-sponsored fiestas, parades, and public events.

Exceptions:

1. Newly constructed residential subdivision, with an operational sales office within the subdivision and not more than ninety-five (95) percent of new homes in the subdivision have been sold. This does not apply to adjacent areas of the subdivision development that are within three hundred (300) ft of an occupied residential or hospital structure that is not or was part of the newly constructed residential subdivision-subdivision currently being developed.
2. Concrete pours when the defined below *notification process* has been performed.
3. Limited heavy machinery and construction equipment repairs 30 minutes before the listed construction hours or after the listed construction hours until 10:00 p.m.

Legal Holidays – New Year’s Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25)

Waiver – A waiver to perform erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work completed on a parcel located within three hundred (300) ft of an occupied residential or hospital structure during hours not approved per Section 21-52(a)(6)(a) can be requested and issued by the Building Official or designee. The request for waiver must be submitted one business day prior to the start of off-hour construction and must detail the reason for the request and dates and times of the off-hour construction. The waiver will be issued for a maximum of one week intervals. The notification process must be completed prior to the commencement of work. Waivers may be issued due to special conditions such as weather related conditions; and/or where literal enforcement of the ordinance would result in unnecessary hardship.

Notification Process – Any occupied residential or hospital structure within three hundred (300) ft of the parcel containing the approved construction must receive written notice of the dates and times of the proposed construction. This notification is to be delivered a minimum of seventy-two (72) hours before the scheduled work starts. For occupied residential structures that are part of active Home Owners Association, Neighborhood Association, or Management Company, notification to the organization will be considered notification to **all occupied residential structures within the organization** ~~the individual structure~~. The dates and times of the proposed off-hour construction must be posted at the job site, as approved by the Building Official or designee, for reference to include contractor's contact information.

Update Chapter 10.

- (o) **Construction Noise.** All noise produced by the erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, shall meet the requirements of Section 21-52 (a)(6) of the City Code. Observed violations will result in criminal and/or civil citations **up to \$1000 per violation per Section 21-58(b)**, suspension and revocation of the permit as follows:
- First violation will result in a citation.
 - Second violation will result in a citation, and the Building Official may suspend the permit for 10 days. A compliance agreement shall be signed by contractor and property owner outlining that they will not violate this section again for this project. The signed agreement shall be provided to the Building Official no later than 3 business days of the second violation.
 - Third violation will result in a citation, and the Building Official may revoke the permit.
- (ep) **Suspension or revocation.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.
- (pq) **Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.
- (qr) **Demolition permit.** See section 10-119 of this chapter.
- (rs) **House moving permit.** See section 10-120 of this chapter.

Add this rule to all issued permits. A stamp referencing this requirement will be added to all reviewed plans. Provide list of organizations and POC for notification process.

BRFCAAB Appeal
Add Waiver to Chapter 10